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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,426	11/20/2003	Eli Kritchman	P-3403-US1	6957

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EXAMINER	
TENTONI, LEO B	

ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/716,426	KRITCHMAN ET AL.	
	Examiner	Art Unit	
	Leo B. Tentoni	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) *14-20,26-30 and 40-60* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,21-25 and 31-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11202003;02262004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-13, 21-25 and 31-39 in the reply filed on 21 February 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 14-20, 26-30 and 40-60 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 21 February 2006.

Specification

3. The disclosure is objected to because of the following informalities: On page 1, the status of the parent application should be updated.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hull et al (U.S. Patent 5,192,559 A).

Hull et al (see the entire document, in particular, col. 13, line 6 to col. 15, line 45) teach a process of making a three-dimensional object as claimed, including the formation of a release layer.

6. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Napadensky et al (U.S. Patent 6,569,373 B2). Napadensky et al (see the entire document, in particular, col. 7, line 9 to col. 19, line 28) teach a process of making a three-dimensional object as claimed, including the formation of a release layer

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any

invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

7. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Gothait (U.S. Patent 6,658,314 B1). Gothait (see the entire document, in particular, col. 4, line 35 to col. 9, line 43) teaches a process ofmaking a three-dimensional object as claimed, including formation of a release layer

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 3-7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al (U.S. Patent 5,192,559 A).

The claimed limitations would have been obvious to one of ordinary skill in the art at the time the invention was made in view of Hull et al principally in order to manufacture a desired three-dimensional object.

11. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Napadensky et al (U.S. Patent 6,569,373 B2) or Gothait (U.S. Patent 6,658,314 B1).

The claimed limitations would have been obvious to one of ordinary skill in the art at the time the invention was made in view of either Napadensky et al or Gothait principally in order to manufacture a desired three-dimensional object.

12. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masters (U.S. Patent 5,216,616 A) in combination with either Kieronski (U.S. Patent 6,364,986 B1) or Greul et al (DE 19537264 A1).

Masters (see the entire document, in particular, col. 3, line 54 to col. 6, line 34) teaches a process of making a three-dimensional object as claimed, except that Masters does not explicitly teach selectively dispensing a material to form a container (or mold), which is taught by Kieronski (see the entire document, in particular, col. 2, line 42 to col. 4, line 63) and Greul et al (see the entire document, in particular, Figure 1) and would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Masters in view of either Kieronski or Greul et al principally in order to provide a containment (or mold) structure for a

three-dimensional object and/or support material while the three-dimensional object is manufactured.

13. Claims 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Napadensky et al (U.S. Patent 6,569,373 B2) in combination with Leyden et al (U.S. Patent 6,193,923 B1).

Napadensky et al (see the entire document, in particular, col. 7, line 9 to col. 19, line 28) teach a process of making a three-dimensional object as claimed, except that Napadensky et al do not explicitly teach the aspect of pillars, which is taught by Leyden et al (see the entire document, in particular, Figure 2) and would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Napadensky et al in view of Leyden et al principally in order to provide a desired and/or required support structure during manufacture of a three-dimensional object.

14. Claims 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gothait (U.S. Patent 6,658,314 B1) in combination with Leyden et al (U.S. Patent 6,193,923 B1).

Gothait (see the entire document, in particular, col. 4, line 35 to col. 9, line 43) teaches a process of making a three-dimensional object as claimed, except that Gothait do not explicitly teach the aspect of pillars, which is taught by Leyden et al (see the entire document, in particular, Figure 2)

and would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Gothait in view of Leyden et al principally in order to provide a desired and/or required support structure during manufacture of a three-dimensional object.

Double Patenting

15. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

16. Claims 1-13 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 6,569,373 B2. Although the

conflicting claims are not identical, they are not patentably distinct from each other because the interface materials of claims 1-42 of U.S. Patent 6,569,373 B2 correspond to the materials recited in instant claims 1-13.

17. Claims 1-13 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,658,314 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the photopolymer materials of claims 1-19 of U.S. Patent 6,658,314 B1) correspond to the materials recited in instant claims 1-13.

18. Claims 31-39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 6,659,373 B2 in view of Leyden et al (U.S. Patent 6,193,923 B1). Claims 1-42 of U.S. Patent 6,659,373 B2 claim a process of making a three-dimensional object as recited in instant claims 31-39 (the interface materials of claims 1-42 of U.S. Patent 6,569,373 B2 correspond to the materials recited in instant claims 31-39), except for the aspect of pillars, which is taught by Leyden et al (see the entire document, in particular, Figure 2) and would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of claims 1-42 of U.S. Patent

6,569,373 B2 in view of Leyden et al principally in order to provide a desired and/or required support structure during manufacture of a three-dimensional object.

19. Claims 31-39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,658,314 B1 in view of Leyden et al (U.S. Patent 6,193,923 B1). Claims 1-19 of U.S. Patent 6,658,314 B1 claim a process of making a three-dimensional object as recited in instant claims 31-39 (the photopolymer materials of claims 1-19 of U.S. Patent 6,658,314 B1 correspond to the materials recited in instant claims 31-39), except for the aspect of pillars, which is taught by Leyden et al (see the entire document, in particular, Figure 2) and would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of claims 1-19 of U.S. Patent 6,658,314 B1 in view of Leyden et al principally in order to provide a desired and/or required support structure during manufacture of a three-dimensional object.

20. Claims 1-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/724,399. Although the conflicting claims are not identical, they are not patentably distinct from each other because the

interface materials recited in claims 1-7 of Application No. 10/724,399 correspond to the materials recited in instant claims 1-13.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

21. Claims 1-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 80-105 of copending Application No. 10/725,995. Although the conflicting claims are not identical, they are not patentably distinct from each other because the multiphase materials recited in claims 80-105 of Application No. 10/725,995 correspond to the materials recited in instant claims 1-13.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo B. Tentoni

Leo B. Tentoni
Primary Examiner
Art Unit 1732

lbt